HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20397 OF 2007

Between:

Smt. Boddu Anusuya and 23 others

...Petitioners

AND

1. The Palakol Muncipality, Palakol, West Godavari District and one another
.

.....Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20397 of 2007

Oral order:

Petitioners admit to be encroachers of Municipal Property belonging to the first respondent-Municipality. They assert to have occupied the reserve land in Ward No. 31, Block No. 5, Town Survey No. 310 of Palakol, West Godavari District, about 35 years back and claim to be otherwise landless poor persons. By the impugned notice dated 16.7.2007 received by them on 20th September 2007, the petitioners were informed to remove the encroachments within seven days from the date of receipt of the notice, failing which the structures in the encroached property would be removed by the first respondent without further notice and the expenses for the same be recovered from the petitioner under Section 361 of the A.P. Municipalities Act, 1965 (for short 'the

Act'). This notice has been purportedly issued under Section 192 of the Act.

Under Section 192(2) of the Act, if the owner or occupier of the premises proves that any such projection encroachment or obstruction under Clause (a) of sub-section (1) as existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was created or made with the permission or licence of any municipal authority duly empowered in that behalf and that the period, if any, for which the permission or licence is valid has not expired , the council shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

In the light of the provisions of sub-section (2) of Section 192, the petitioners are entitled to submit to the first respondent that they have a right to receive compensation if the encroachments are for a duration, which entitles them to compensation under Section 192(2) of the Act.

Since the petitioners have not submitted any such representation, the Writ Petition is disposed of after hearing the Standing Counsel for the first respondent-Municipality, granting liberty to the petitioners to make a representation within seven days from today. If the petitioners submit any such representation within the time aforesaid, the respondents shall pass appropriate orders and communicate the same to the petitioners by

registered post, acknowledgement due or by affixure of the order at the disputed premises. No Costs.

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GODA RAGHURAM, J

Date: 01.10.2007
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